REMARKS

Claims 2-15 are pending in the Application. Claim 1 has been cancelled. The dependency of claims 2, 6, 8, 11, 12 and 14 has been amended to depend from claim 15.

In the Office Action dated May 8, 2006, claims 1-9, and 11-15 stand rejected under 35 U.S.C. § 102(b) for allegedly being anticipated by either U.S. Patents Nos. 5,658,308 (Snyder) or 5,833,705 (Ken et al). Claim 10 was rejected under 35 U.S.C. § 103(a) for allegedly being obvious over Ken, in view of U.S. Patent No. 6,953,465 to (Dieck et al.) Applicant respectfully disagrees in light of the amendments made to the claims herein.

In order to sustain a rejection under § 102(b), the respective reference must disclose each and every element of the claim, either expressly or inherently; MPEP § 2131. Applicant respectfully submits that Snyder and Ken cannot support the § 102(b) rejection because neither reference discloses each and every element of the rejected claims.

Synder discloses an occlusive coil with a bioactive agent carrier disposed within its lumen. Ken discloses a vaso-occlusive coil with a stretch resistant member disposed within its lumen. Independent claim 15, however, recites an active element carried in the lumen of the vaso-occlusive device which ***expands or contracts*** when placed in a body, wherein the expansion or contraction of the active element ***causes the occlusive member to substantially retain its shape when deployed in a body cavity.*** Neither of these claim limitations is disclosed or suggested by Synder or Ken.

Vaso-occlusive devices may not have a sufficient strength or stiffness to retain their shape after they are delivered into an aneurysm. As a result, the delivered vaso-occlusive

devices may move out of the position or shape in which they were originally placed, and may even dislodge out of the sack of an aneurysm. The expanded material of the active element of claim 15, imparts a radial stress within the occlusive member to stiffen and stabilize said member in-situ. In the case of contraction of said active element, this induces a compressive load on the occlusive member which in turn stiffens and stabilizes it in-situ when deployed in a body cavity. Neither the bioactive agent carrier of Snyder nor the stretch resistant member of Ken disclose or suggest the expansion or contraction configuration of the active element of claim 15 to substantially retain the shape of the occlusive member when deployed.

Dependent claim 10 has been amended to now depend from claim 15 and is believed to be patentable over Ken for the same reasons as claim 15.

CONCLUSION

For the reasons set forth above, Applicant respectfully submits that currently pending claims are patentable over the cited prior art. A notice of allowance is respectfully requested.

If there are any questions concerning this amendment and response, please contact the undersigned at the number below.

Respectfully submitted,
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Dated: 8/7/06

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